31. (Amended) A ready-to-use expanded dough article, comprising an elastic gluten based dough having a cellular network structure and a substantially gas-impermeable container within which the dough is sealed, made by a method comprising:

preparing a dry blend comprising flour and sugar wherein the ratio of sugar to flour is in a range of about 0.0 to 0.75 to 1,

preparing a wet blend [comprising water and fat];

mixing the wet blend and dry blend [to form a dough that has a water activity no greater than 0.85];

expanding the dough by injecting, mixing or blending an inert gas into the dough to form an expanded dough comprising a cellular structure;

transferring the expanded dough to the container; and sealing the container.

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on May 29, 2002, and the documents cited therewith.

Claims 1, 2, 5, 6, 8, 9, 14, 27 and 31 are amended. Claims 1-9, 11-15, 27, 28 and 30-35 are now pending in this application.

Double Patenting Rejection

Claims 1-15, 27, 28 and 30-35 were provisionally rejected under the judicially created doctrine of double patenting as being unpatentable over claims 1-15 of co-pending U.S. Patent Application Serial No. 09/707,676.

A Terminal Disclaimer in compliance with 37 CFR 1.321(b)(iv) is enclosed herewith to overcome this rejection.

§102 Rejection of the Claims

Claims 1, 3-5, 8, 14-17, 27, 28 and 31 were rejected under 35 USC § 102(a) as being anticipated by Le Flecher et al. (EP 868850A1). In order to anticipate a claim, a reference must have each and every element of the claim. In the present instance, the Le fletcher reference describes a ratio of sugar to flour that is at least 1:1. In the present invention, the ratio claimed is much lower. Therefore, Le fletcher does not anticipate the claims of the present invention.

§103 Rejection of the Claims

Claims 2, 6, 7, 9, 11-13, 30 and 32-35 were rejected under 35 USC § 103(a) as being unpatentable over Le Flecher et al. The LeFletcher reference employs a ratio of sugar to flour that is much higher than the ratio described and claimed in the present invention. The LeFletcher reference states that, "The dough contains sugar not only for organoleptic reasons, but a high level of sugar is also used in order to lower the water activity." The present invention achieves a reduced water activity without using the high ratio of sugar described in LeFletcher. LeFletcher did not contemplate that a reduced water activity could be achieved any other way to obtain a satisfactory product.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-373-6976) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date 29 August 02 By _____
Janal M. Kalis
Reg. No. 37,650

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Box AF, Commissioner of Patents, Washington, D.C. 20231, on this 29th day of August, 2002.

Anne M. Richards
Name

_____
Signature

Docket No. 869.005US1
WD #459710.DOC

GMI Ref. No. GMI 5302

CLEAN VERSION OF PENDING CLAIMS

INERT-GAS BASED LEAVENED DOUGH SYSTEM
Applicant: Venkatachalam Narayanaswamy et al.
Serial No.: 09/707,184

Sub C1

1. (Amended) A ready-to-use dough article, comprising:

a substantially gas-impermeable container;

a dough disposed within the container, comprising:

flour and sugar wherein the ratio of sugar to flour is in a range of about 0.0 to 0.75 to 1.

B1

2. (Amended) The dough article of claim 1 further comprising an inert gas containing less than 4% residual oxygen disposed within the container and within the dough.

3. The dough article of claim 1 wherein the dough comprises an encapsulated leavening ingredient.

4. The dough article of claim 1 wherein the dough further comprises a polyol.

5. (Amended) The dough article of claim 2 wherein the inert gas is nitrous oxide or nitrogen or carbon dioxide or mixtures of these gases.

B2

B2 SW C9 C10

6. (Amended) The dough article of claim 2 wherein the inert gas is a mixture of carbon dioxide and nitrous oxide.

7. The dough article of claim 1 wherein the dough is substantially free of sugar.

B3

8. (Amended) The dough article of claim 2 wherein the gas-impermeable container comprises a pouch.

9. (Amended) The dough articles of claim 2 wherein the gas-impermeable container comprises a baking pan.

11. The dough article of claim 1 wherein the dough is a biscuit dough.

SW C12

12. The dough article of claim 1 wherein the dough is a roll dough.

13. The dough article of claim 1 wherein the dough is a scone dough.

B4

14. (Amended) The dough article of claim 1, further comprising fat wherein the fat does not exceed about 25% of the dough by weight.

15. The dough article of claim 1 wherein the density of the dough ranges from 0.7 to 1.1 g/cc.

27. (Amended) A ready-to-use dough article, comprising:

a substantially gas-impermeable container;

a dough disposed within the container, comprising:

flour and sugar wherein the ratio of sugar to flour is in a range of about 0.0 to 0.75 to 1, and an encapsulated leavening ingredient; and

an inert gas disposed within the container containing less than about 4% residual oxygen.

28. The dough article of claim 27 wherein the inert gas is nitrous oxide or nitrogen or carbon dioxide or mixtures of these gases.

30. The dough article of claim 27 wherein the dough is pizza dough, biscuit dough or English muffins.

31. (Amended) A ready-to-use expanded dough article, comprising an elastic gluten based dough having a cellular network structure and a substantially gas-impermeable container within which the dough is sealed, made by a method comprising:

preparing a dry blend comprising flour and sugar wherein the ratio of sugar to flour is in a range of about 0.0 to 0.75 to 1,

preparing a wet blend;

mixing the wet blend and dry blend;

expanding the dough by injecting, mixing or blending an inert gas into the dough to form an expanded dough comprising a cellular structure;

transferring the expanded dough to the container; and sealing the container.

32. The expanded dough article of claim 31 in which the inert gas is selected from the group consisting of N_2O, N_2, CO_2 and mixtures thereof.

33. The expanded dough article of claim 31 in which the dough formed by mixing the dry blend and the wet blend further comprises an encapsulated leavening agent.

34. The expanded dough article of claim 31 in which mixing the dough and expanding the dough are done concurrently.

35. The expanded dough article of claim 32 further comprising sealing the container so as to form a headspace with the headspace having an oxygen concentration that is not more than 4% by volume.